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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,753	01/04/2001	M. Scott Reichardt	UV-178	3787
1473	7590	09/10/2004	EXAMINER	
FISH & NEAVE 1251 AVENUE OF THE AMERICAS 50TH FLOOR NEW YORK, NY 10020-1105			VU, THANH T	
		ART UNIT	PAPER NUMBER	
		2174		

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/754,753	REICHARDT, M. SCOTT	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thanh T. Vu	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 17 May 2004.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-66 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

This communication is responsive to Amendment , Filed 05/17/2004.

Claims 1- 66 are pending in this application. In the Amendment, claims 1-4, 11-12, 18, 31-37, 44-45, 51, 64-66 were amended. This action is made Final.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Schein et al. (“Schein”, U.S. Pat. No. 6,388,714) and Stautner et al. (“Stautner”, U.S. Pat. 6,172,677).

Per claim 1, Schein teaches a method of presenting an electronic program guide, comprising:

receiving program guide data (fig. 12A; program guide data 702); and presenting the program guide data as program listings for a plurality of television programs (figs. 12A and 13B; television program: 708; col. 17, lines 40-59), but does not teach at least one of the plurality of television programs is a graphically branded television program. However, Stautner teaches at least one of the plurality of television programs is a graphically branded television program (figs. 2, 4 and 5; col. 3, lines 50-67; col. 5, lines 4-20; col. 7, lines 25-34). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the a graphically branded television program as taught by Stautner in the

invention of Schein because it provides users with an additional graphical presentation and navigational front end for a user which integrates diverse content sources and provides embedded control over a computer system used to present the content.

Per claim 2, Stautner teaches the method of claim 1, wherein the graphically branded television program is a logo that corresponds to the television program being displayed in the program listings (figs. 4 and 5; logos: CNN; ESPN; NIKE).

Per claim 3, Schein teaches the method of claim 1, wherein the graphically branded television program is a Celebrity image (fig. 12A; Celebrity image: image 726).

Per claim 4, Stautner teaches the method of claim 1, wherein the graphically branded television program is an affiliation indicator (figs. 4 and 5; affiliation indicator: CNN; ESPN; ABC; NBC; NIKE).

Per claim 5, Stauner teaches the method of claim 4, wherein the affiliation indicator identifies a network affiliate (figs. 4 and 5; affiliation indicator: CNN; ESPN; ABC; NBC).

Per claim 6, Schein teaches the method of claim 4, wherein the affiliation indicator identifies a sports team affiliate (fig. 13B; element 730).

Per claim 7, Schein teaches the method of claim 4, wherein the affiliation indicator identifies a corporate affiliate (col. 18, lines 28-40).

Per claim 8, Schein teaches the method of claim 4, wherein the affiliation indicator identifies an event affiliate (col. 18, lines 12-18).

Per claim 9, Schein teaches the method of claim 4, wherein the affiliation indicator identifies a guide affiliate (figs. 15B, 15C; 16B, 16C; guide affiliate: COX).

Per claim 10, Schein teaches the method of claim 4, wherein the affiliation indicator identifies a sponsor (fig. 17C; col. 18, lines 13-40).

Per claim 11, Stautner teaches the method of claim 1, further comprising presenting text information in the least one graphically branded television program (figs. 2; 4 and 5).

Per claim 12, Stautner teaches the method of claim 1, further comprising presenting an informational icon in the at least one graphically branded television program (figs. 2; 4 and 5; col. 5, lines 15-22).

Per claim 13, Stautner teaches the method of claim 1, further comprising presenting an information tray with the program listings (fig. 2; col. 5, lines 15-22).

Per claim 14, Stautner teaches the method of claim 13, further comprising presenting a legend in the information tray (fig. 2; col. 5, lines 15-22).

Per claim 15, Schein teaches the method of claim 13, further comprising presenting weather information in the information tray (figs. 12A, and 16A-16C; col. 18, lines 12-18; col. 19, lines 57-67).

Per claim 16, Schein teaches the method of claim 13, further comprising presenting news information in the information tray (figs. 12A, and 16A-16C; col. 18, lines 12-18; col. 19, lines 57-67).

Per claim 17, Schein teaches the method of claim 13, further comprising presenting an advertising element in the information tray (figs. 12A, 17C; col. 18, lines 12-18, lines 28-40).

Per claim 18, Schein teaches the method of claim 1, further comprising presenting the television program as buttons (fig. 12A; col. 17, lines 34-40 and lines 50-59).

Per claim 19, Schein teaches the method of claim 1, further comprising displaying a guide provider logo and presenting channel indicators which are similar in style to the guide provider logo (figs. 15B-15C, figs. 16B-16C; guide provider logo: COX; channel indicator logo: HBO).

Per claim 20, Schein teaches the method of claim 1, further comprising displaying an advertisement within the program listings (fig. 12A, 17A; col. 18, lines 12-40).

Per claim 21, Schein teaches the method of claim 20, wherein the advertisement includes a logo for a television program (fig. 12A, 17A-17C; col. 18, lines 12-40).

Per claim 22, Schein teaches the method of claim 20, wherein the advertisement includes a celebrity image (fig. 12A, 17A-17C; col. 18, lines 12-40).

Per claim 23, Schein teaches the method of claim 20, wherein the advertisement includes an affiliation indicator (fig. 12A, 17A-17C; col. 18, lines 12-40).

Per claim 24, Schein teaches the method of claim 1, further comprising displaying a promotion within the program listings (fig. 12A, 17A-17C; col. 18, lines 12-40).

Per claim 25, Schein teaches the method of claim 24, wherein the promotion includes a logo for a television program (fig. 12A, 17A-17C; col. 18, lines 12-40).

Per claim 26, Schein teaches the method of claim 24, wherein the promotion includes a celebrity image (fig. 12A, 17A-17C; col. 18, lines 12-40).

Per claim 27, Schein teaches the method of claim 24, wherein the promotion includes an affiliation indicator (fig. 12A, 17A-17C; col. 18, lines 12-40).

Per claim 28, Schein teaches the method of claim 1, wherein the electronic program guide is a passive television program guide (fig. 12A; col. 18, lines 22-25; the examiner interprets passive television program guide is that the scrolling of message 724 is passive.

Per claim 29, Schein teaches the method of claim 1, wherein the electronic program guide is an interactive television program guide (col. 4, lines 11-15, lines col. 17, lines 14-25).

Per claim 30, Schein teaches the method of claim 1, wherein the electronic program guide is an online television program guide (col. 3, lines 54-67).

Per claim 31, Schein teaches the method of claim 1, wherein the at least one graphically branded television program is organized in a grid (col. 5, lines 50-65).

Per claim 32, Schein teaches the method of claim 1, wherein the at least one graphically branded television program organized in a list (figs. 12A and 12B).

Per claim 33, Schein teaches the method of claim 1, wherein the at least one graphically branded television program are selectable (figs. 12A and 12B; col. 17, lines 36-40).

Claims 34-66 are rejected under the same rationale as claims 1-33 respectively.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh T. Vu whose telephone number is (571) 272-4073. The examiner can normally be reached on Mon-Thur and every other Fri 8:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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